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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,539	10/09/2001	Shiro Fujieda	OMRNP008	9058

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BEYER WEAVER & THOMAS LLP  
P.O. BOX 70250  
OAKLAND, CA 94612-0250

EXAMINER
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LE, BRIAN Q

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/974,539	<b>Applicant(s)</b> FUJIEDA, SHIRO	
	<b>Examiner</b> Brian Q. Le	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on May 04, 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Response to Amendment and Arguments**

1. Applicant's amendment filed May 04, 2005, has been entered and made of record.
2. Applicant's arguments with regard to claims 1-7 have been fully considered, but are not considered persuasive because of the following reasons:

Regarding claim 1, the Applicant argues (bottom of page 5 to top of page 6, "Remarks") that Cohen Reference does not disclose any comparison between the directions of two pixels, which are separated by a specified distance. The Applicant further argues, "Cohen talks about two position vectors but does not go any further to say anything about the distance between them, much less about the separation there between being of any "specified" distance. The Examiner respectfully disagrees. Due to broadly claimed limitation, Cohen clearly teaches this concept at column 19, lines 26-65 and FIG. 21. Cohen teaches the comparing of position of vector  $r$  (which includes direction) of pixel  $P_i$  along the edge to determine to the determined edge zone position of  $p$  (which also is pixel along the edge according to FIG. 21) by a specified distance, which is element 2125 of FIG. 21. Since the claim language is broad, one skilled in the art can subjectively interpreted the teaching of Cohen discloses the claim limitation. Perhaps, the formula indicated in the specification, bottom of page 7, should be included in the claim limitation to further elaborate the difference of the invention verse Cohen Reference. To further assist the Applicant with the guidance with claim language interpretations so that the Applicant can add further/more details limitations from the specification to the claims to overcome the prior arts, the Examiner is presenting MPEP, section 2111, Claim Interpretation; Broadest Reasonable Interpretation as follow: "The court explained that "reading a claim in light of the specification, to thereby interpret limitations explicitly recited in the claim, is a quite different

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thing from reading limitations of the specification into a claim,' to thereby narrow the scope of the claim by implicitly adding disclosed limitations which have no express basis in the claim."

The court found that applicant was advocating the latter, i.e., the impermissible importation of subject matter from the specification into the claim.). See also *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997) (The court held that the PTO is not required, in the course of prosecution, to interpret claims in applications in the same manner as a court would interpret claims in an infringement suit. Rather, the "PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in applicant's specification.")".

Thus, the rejections of all of the claims are maintained.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, and 4-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Cohen U.S. Patent No. 6,337,925.

Regarding claim 1, Cohen teaches a method of inspecting a contour of a target object (abstract), said method comprising the steps of:

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preparing a variable-density image of said contour (gradient calculation of pixels of image) (column 5, lines 19-33);

extracting edge pixels along and from said contour on said image (masked and extracted traced object) (column 7, lines 3-25 and column 8, lines 50-62);

measuring directions of said edge pixels (column 4, 65-67 and column 5, lines 35-38);

selecting said edge pixels sequentially one edge pixel at a time (column 10, lines 60-67) and

comparing the direction of said one edge pixel with the direction of another of said edge pixels (column 19, lines 29-67) at a specified distance (FIG. 21, element 2125) from said one edge pixel to obtain a comparison result (column 19, lines 26-65); and

determining presence or absence of a defect in said contour from the comparison results obtained for said edge pixels (The process of determining the opacities and confidence of edges) (column 19, lines 7-25 and column 20, lines 35-60).

Regarding claim 2, Cohen teaches the method comprising the step of selecting said specified distance (predetermined edge zone width) (column 19, line 50).

For claim 4, please refer back to claim 1 for the teachings and explanations.

Referring to claim 5, Cohen discloses the apparatus wherein said measuring means measures an angle for each of said edge pixels, said angle indicating a perpendicular direction to the direction of density gradient at said each edge pixel (column 14, lines 31-47).

For claim 6, Cohen also discloses the apparatus wherein said comparing means include distance setting means for setting said specified distance (column 19, lines 30-60).

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***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen U.S. Patent No. 6,337,925 as applied to claim 1 above, and further in view of Shiohara U.S. Patent No. 6,343,158.

Regarding claim 3, Cohen discloses the usage of various extraction/masking techniques in the selection process (column 18, lines 41-51 and column 21, lines 57-65). However, Cohen does not explicitly discuss the selecting one from a plurality of edge-extraction filters each with a mask of a different size. Shiohara teaches an edge processing of images (abstract) utilizes the usage/selection of different filters (high and low frequency filters) with a mask of a different size (FIG. 14-FIG.15; column 2, lines 25-47; and column 6, lines 25-44). Modifying Cohen's method of processing edges of image according to Shiohara would be able to allow the flexibility in using different filters with a mask of a different size to better isolate/extract/filter the selected edge of the image. This would improve processing and therefore, it would have been obvious to one of ordinary skill in the art to modify Cohen according to Shiohara.

Regarding claim 7, please refer back to claim 3 for the teachings and explanations.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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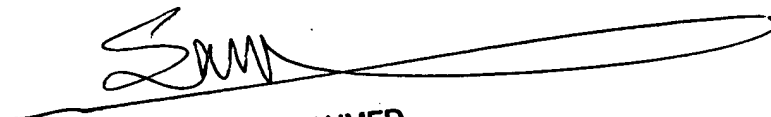
**Contact Information**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Q Le whose telephone number is 571-272-7424. The examiner can normally be reached on 8:30 A.M - 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 571-272-7414. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

BL  
August 2, 2005



SAMIR AHMED  
PRIMARY EXAMINER